## REMARKS/ARGUMENTS

Claims 3, 4, 7, 8, 11, 13, 17 and 18 are pending in the present application. Claims 3, 4, 7, 8, 11, 13, 17 and 18 have been amended, and Claims 1, 2, 5, 6, 9, 10, 12, 14-16 and 19 have been cancelled, herewith. Reconsideration of the pending claims is respectfully requested.

### I. 35 U.S.C. § 101

Claims 15-19 stand rejected under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. This rejection is respectfully traversed.

In rejecting Claims 15-19, the Examiner notes that such claims are directed to non-statutory subject matter, and suggests the claims be amended to embody the program on computer-readable medium or equivalent. Applicants have amended Claims 17 and 18 accordingly, as per the Specification description at page 5.

Claims 15, 16 and 19 have been cancelled herewith, without prejudice or disclaimer.

Therefore, the rejection of Claims 15-19 under 35 U.S.C. § 101 has been overcome.

### II. Information Disclosure Statement

The Examiner has stated that the Information Disclosure Statement filed 3/25/2004 fails to comply with 37 CFR 1.98(a)(2) because the non-patent literature article of "Point Sukaishiki Saishin MPEG Kyokasho" by Hiroshi Fujiwara et al was not provided. Applicants are providing a copy of such article herewith.

### III. 35 U.S.C. § 102, Anticipation

Claims 1-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Girod et al. (U.S. Patent No. 5,809,139), hereinafter "Girod". This rejection is respectfully traversed.

With respect to Claim 3, Applicants have amended such claim to be in independent form, by including the features previously recited in Claims 1 and 2 (which are thus being cancelled herewith, without prejudice or disclaimer). In addition, Claim 3 has been amended in accordance with the Specification description at page 13, lines 1-7 and Figure 7, block S705.

As amended, Claim 3 recites a watermark removal operation being performed as a part of the motion correction, since the embedded watermark is used to determine if a watermark exists at a position that has moved (Figure 7, block S701). Because the cited reference does not describe a watermark table that is used to facilitate detection of the presence of a watermark, as per the present invention as described at page 12, there would be no reason to modify the teachings of the cited reference in accordance with this

newly added pattern removal feature. Importantly, the cited reference expressly acknowledges that the watermark signal is not removed (Girod col. 7, lines 55-58). Thus, in addition to not being anticipated by the cited reference, it is further urged that amended Claim 3 is also not obvious in view of the cited reference.

With respect to Claim 4, Applicants have amended such claim to be in independent form, to include the features previously recited in Claims 1 and 2. Claim 4 recites "wherein said motion correction means prepares in advance pattern tables for possible cancellation patterns that have been frequency-converted, and selects a given pattern table from the pattern tables and embeds the given pattern table in a screen being processed". As can be seen, the features of Claim 4 are directed to the alternative method for generating a cancellation pattern, as described in the Specification at pages 13-16 and Figure 11 ("Method 2"). The claimed cancellation pattern table(s) are different from the claimed 'digital watermark pattern', as such table(s) is/are a separately recited element in Claim 4.

In rejecting Claim 4, the Examiner alleges that the cited reference teaches the claimed pattern tables at column 6, lines 27-53 as the cited reference describes selecting watermark data in advance. Applicants urge error, as such allegation does not establish any teaching of the preparation in advance of pattern tables for possible cancellation patterns that have been frequency-converted. Instead, it merely establishes the existence of a watermark – which is different than cancellation pattern tables. Importantly, the cited passage at col. 6 does not describe any type of cancellation pattern tables, but instead describes adding a watermark to a transform coded prediction error signal (col. 6, lines 32-35). Thus, as every element recited in Claim 4 is not identically shown in a single reference, it is urged that Claim 4 has been erroneously rejected under 35 U.S.C. § 102.[1]

Applicants traverse the rejection of Claims 7, 11 and 17 for similar reasons to those given above with respect to Claim 3.

Applicants traverse the rejection of Claims 8, 13 and 18 for similar reasons to those given above with respect to Claim 4.

Claims 1, 2, 5, 6, 9, 10, 12, 14-16 and 19 have been cancelled herewith, without prejudice or disclaimer.

Therefore, the rejection of Claims 1-19 under 35 U.S.C. § 102(b) has been overcome.

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[1] For a prior art reference to anticipate in terms of 35 U.S.C. 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

## IV. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

/Wayne P. Bailey/

Wayne P. Bailey
Reg. No. 34,289
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Attorney for Applicants




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